

BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D. C. 20554

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**JUL 11 1996**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

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In the Matter of

**Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations  
(Claremore and Chelsea, Oklahoma)**

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**MM Docket No. 95-167  
RM-8699**

To: Chief, Allocations Branch

**MOTION FOR LEAVE TO FILE COMMENTS  
AND  
COMMENTS**

Brite-Star Broadcasting ("Brite-Star") herein moves for leave to submit late-filed comments in the above-captioned FM allotment proceeding. For the reasons set forth below, Brite-Star believes that consideration of these comments will avoid waste and/or duplication of the Commission's efforts. Moreover, consideration of these comments will not unfairly prejudice the Petitioner, Michael P. Stephens ("Stephens").

**Background.** Stephens, as permittee of Station KTFR, Channel 264A, Claremore, Oklahoma, has requested the reallocation of that channel from Claremore to Chelsea, Oklahoma, and the modification of Station KTFR's permit to specify Chelsea as its community of license. Stephens filed comments and reply comments in support of the request. No opposing comments or counterproposals were submitted.

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2.

It has come to Brite-Star's attention that Stephens' construction permit for KTFR expired on August 3, 1995 and that no application for extension of that construction permit has been filed. Accordingly, Stephens' permit is no longer valid and is subject to cancellation. Undersigned counsel understands that, under such circumstances, the practice of the Allocations Branch is to dismiss any Petition for rule making seeking modification of an expired construction permit and to terminate the proceeding.

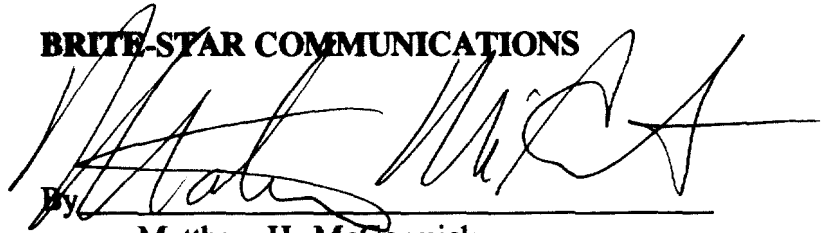
Notwithstanding the expiration of Stephens' construction permit, Brite-Star believes that reallocation of Channel 264A to Chelsea would serve the public interest. Brite-Star urges the Commission to adopt the proposed reallocation and open a new filing window for Channel 264A at Chelsea. If such actions are taken, Brite-Star will file a construction permit application for the new station and, upon grant of that application, promptly place the station in operation.

Termination of this proceeding because of the expiration of the KTFR construction permit would simply result in the need for Brite-Star to file and the Commission to process a new rulemaking petition seeking reallocation of Channel 264A from Claremore to Chelsea. Repeating the rulemaking process, of course, would result in further delay in the initiation of service on that allotment. By taking the actions Brite-Star proposes, the Commission would avoid a waste of resources and duplication of effort.

3.

**WHEREFORE**, in light of all circumstances, Brite-Star's Motion for Leave to File Comments should be GRANTED, Brite-Star's Comments should be CONSIDERED, the proposed reallocation of Channel 264A to Chelsea, Oklahoma should be ADOPTED, and a filing window for the Chelsea, Oklahoma allocation should be ANNOUNCED.

**BRITE-STAR COMMUNICATIONS**

A handwritten signature in black ink, appearing to read 'Matthew H. McCormick', is written over a horizontal line.

Matthew H. McCormick

Its Counsel

**Reddy, Begley & McCormick**  
1001 22nd Street, N.W.  
Suite 350  
Washington, D.C. 20037

July 11, 1996

**CERTIFICATE OF SERVICE**

I, **Pamela McKethan**, hereby certify that on this 11th day of July, 1996, copies of the foregoing **MOTION FOR LEAVE TO FILE COMMENTS AND COMMENTS** were hand delivered or mailed, first-class, postage prepaid, to the following:

**Michael P. Stephens**  
**P.O. Box 1250**  
**Sapulpa, Oklahoma 74067**

**Leslie K. Shapiro \***  
**Federal Communications Commission**  
**2025 M Street, N.W., Room 8308-G**  
**Washington, D.C. 20554**

**James Crutchfield \***  
**Federal Communications Commission**  
**Mass Media Bureau**  
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**Washington, D.C. 20554**



Pamela R. McKethan

**\* HAND DELIVERED**